



Appeals and State Hearings Newsletter

website: www.ladpss.org

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Our address: 3833 S Vermont Ave - 4th floor
Los Angeles, CA 90037

Anatomy of a NOA



What makes a Notice of Action adequate? The answer is **Many things!** Most - or sometimes all - of the following elements must be present for a Notice of Action to be considered adequate...

- A complete description of the action the county intends to take
- The reason for the intended action
- The specific regulations supporting the action
- Any information or action needed to reestablish eligibility or determine the correct amount of aid (if appropriate)
- An explanation of the right to request a state hearing



Remember, a participant must be given at least 10 calendar days notice before any adverse action can be taken.



When is the county required to provide adequate notice?

- When aid is granted, increased, denied, decreased, suspended, cancelled or discontinued.
- When the county demands repayment of an overpayment or overissuance. Please remember that CWs, GR and CAPI overpayment NOAs are not automated on LEADER. A manual NOA must be completed and mailed.
- When action is taken related to state hearing decisions. For instance, if the county is asked to re-evaluate prior eligibility, compute retro benefits or make other case corrections resulting in a decrease in benefits.



One more thing! All Notices of Action should be prepared in **clear, non-technical language and be jargon-free.**

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DEAR ASHLEY

Dear "ASHley,"

My CalWORKs participant wants to request a hearing because he thinks his 85-year old grandmother should be able to receive aid on his case. I sent him a Notice of Action informing him that there was no eligibility. I know his grandmother is NOT eligible to CalWORKs. Can he request a state hearing for this reason?

Signed: "Knows the Rules"



Dear "Knows,"

Any applicant or recipient of aid can request a hearing for **any** reason. The important factor is that the person who requests the hearing is or has been either an applicant, a recipient of aid or an authorized representative for the participant. All appeals are accepted by Sacramento as a bona fide hearing request and are scheduled for a state hearing. In your example, even though it is evident that the 85-year old grandmother is not eligible to CalWORKs, the participant has the right to a full hearing to determine whether eligibility exists. If the participant does not want to withdraw after the Appeals Hearing Specialist explains the assistance unit regulations, the Specialist is obligated to prepare a Statement of Position and represent the county at the hearing just as he/she would for any hearing request.



Case Correction Memos (PA 411) sent by ASH to district offices now identify potential Food Stamp errors. If the issue involves Food Stamps, a notation on the upper right hand corner of the PA 411 alerts districts that the case in question may have a potential Food Stamp error!



In September 2003, there were 256 PA 411s with FS alert notations. Remember that a corrected case means one less error case!!!